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ARIZONA SUPREME COURT

In the matter of:)	
)	
PETITION TO AMEND RULES)	Supreme Court No. R-11-0030
34, 35, 37 and 38)	(Expedited Adoption Requested)
Rules of the Supreme Court)	
)	

I. Background and Purpose of the Proposed New Rules.

On September 2, 2010, Chief Justice Rebecca White Berch issued Order R-10-0019, amending Supreme Court Rules 34-37 to allow for admission on motion to the practice of law in Arizona. In this order, prior rules were modified to allow for two paths for admission to the practice of law in Arizona: admission by examination and admission on motion. This change is proposed to recognize the Arizona bar examination as the Arizona Uniform Bar Examination and to allow for a new, third path of admission to the practice of law: transfer of the Uniform Bar Examination (UBE) score.

II. Contents of the Proposed Rule Amendments and New Rules

The proposed amendments to Rules 34, 35, 37, and 38 recognize that the Arizona bar examination will be known as the Arizona Uniform Bar Examination and will allow applicants to either test in Arizona or transfer UBE scores from other UBE jurisdictions,

according to rule requirements. Additionally, the provisions regarding admission by motion are moved to Rule 34 from Rule 38(h), and additional language from Administrative Order No. 2009-102 further defining the term “active practice of law” as it applies to admission on motion is included in the rule. Appendix A contains the complete text of the proposed amendments, which are briefly summarized as follows:

- Rule 34(a) is amended to identify the three methods of admission.
- Rule 34(f) now contains the provisions on admission on motion, which have been moved from Rule 38(h). Additional language in Rule 38(f)(3), further defining “active practice of law,” follows the language of Administrative Order No. 2009-102.
- Rule 34, paragraphs (h) and (i), are the new provisions regarding admission by transfer of uniform bar examination score.
- Rule 35(b) adds provisions regarding what comprises the uniform bar examination and how the various parts of the exam are graded, scored, and weighted.
- Rule 35(d), which authorizes the Committee on Examinations to review the examination of an applicant who receives a failing grade, is deleted. In its place, a new paragraph (c)(4) is added permitting an aggrieved applicant to file a petition for review with the court as directed in rule 36(g)(1). The paragraph contains a caveat that the decision of the Committee on Examinations “is final and will not be reviewed by the Court absent extraordinary circumstances.”

- New Rule 37(a)(3) relates to the time limitation on admission with respect to admission based on transfer of uniform bar examination score. It parallels the provisions for admission on examination and admission on motion.
- Various rules are amended to specify that the bar examination is the “Arizona uniform bar examination.”

III. Distribution and Comment

If the Court wishes to implement the Arizona Uniform Bar Examination for the July, 2012 test administration, the Petitioner respectfully requests the Court modify distribution and comment to allow for emergency adoption, as follows:

Initial comments due: November 15, 2011

Requested adoption: December, 2011, with effective date of January 1, 2012

Further comments due: May 20, 2012

Final consideration: September 2012

RESPECTFULLY SUBMITTED this 21th day of September, 2011.

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